UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,155	07/05/2006	John Taschereau	68916-2	2744

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EXAMINER
NG, EUNICE

ART UNIT	PAPER NUMBER
2626	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
	10/539,155	TASHEREAU, JOHN
Office Action Summary	Examiner	Art Unit	
	Eunice Ng	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

    1.☒ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Pershan *et al.*

("Pershan"), US Patent 6,650,738.

Regarding claims 1 and 6, Pershan teaches a method of matching an utterance comprising

a word to a record in a database using an automatic speech recognition system (col. 3, line 60 –

col. 4, line 22 teaches "voice dialing...speaking either the name or a nickname...voice dialing

record is maintained for each subscriber. Information relating to each party or individual who

may be called...providing and updating the information...calling entry...nickname...telephone

number"; col. 4, ll. 49-67, teaches "speech recognition model for each name and

nickname...speech recognition models for names...generated from the text of the name"; and

col. 5, ll. 1-46 teaches "subscriber to provide one or more speech samples of a name...optionally

speaker dependent...generated speech recognition model") comprising:

     forming a word list comprising a selection of words from said records in said database

(col. 19, line 27 – col. 20, line 22, teaches "voice dialing information included in the subscriber's

voice dialing record which the user may wish to modify, ad to, or delete...primary name and

nickname...one or more telephone numbers"; col. 21, ll. 1-17, teaches "third column lists the nickname"; col. 5, ll.23-35 teaches "text version of the spoken name is generated and used to populate the...name portion of the calling entry information"; see Figs. 13-14, Fig. 13 illustrates a name/nickname list which contains words from the entire set of words in the directory);

using the automated speech recognition system to determine the best possible matches of the word in said utterance to the words in said word list (col. 3, line 60 – col. 4, line 22, teaches "voice dialing...speaking either the name or a nickname...voice dialing record is maintained for each subscriber. Information relating to each party or individual who may be called...providing and updating the information...calling entry...nickname...telephone number"; col. 4, ll. 49-67, teaches "speech recognition model for each name and nickname...speech recognition models for names...generated from the text of the name"; col. 5, ll. 1-46, teaches "subscriber to provide one or more speech samples of a name...optionally speaker dependent...generated speech recognition model");

creating a grammar of records in said database that contain at least one of said best possible matches (col. 3, line 60 – col. 4, line 22, teaches "voice dialing...speaking either the name or a nickname...voice dialing record is maintained for each subscriber. Information relating to each party or individual who may be called...providing and updating the information...calling entry...name...telephone number"; col. 4, ll. 49-67, teaches "speech recognition model for each name and nickname...speech recognition models for names...generated from the text of the name"; col. 5, ll. 1-46, teaches "subscriber to provide one or more speech samples of a name...optionally speaker dependent...generated speech recognition model"; Figs. 13-14, the combined entity of the directory and the speech recognition models for each of the names implements a grammar since a collection of models serves as a

speech recognition grammar, and the records/entries themselves are also part of the entity made
of the models and the directory); and

using the automated speech recognition system to match said utterance to a record within
said grammar (col. 6, ll. 17-45, teaches "recognizing a name...Dialing John Smith...'John
Smith' is the recognized name"; col. 13, ll. 49-65, teaches "speech recognition circuits...used
during voice dialing operations to detect names in a voice dialing directory").

Regarding claim 2, Pershan teaches wherein said database is a directory (see col. 13, ll.
49-65, "directory").

Regarding claim 3, Pershan teaches wherein said record is a listing (see col. 3, line 60 –
col. 4, line 22, "calling entry"; and Figs. 13-14).

Regarding claim 4, Pershan teaches wherein the word list includes transformations of
said selection of words (col. 21, ll. 37-55, "name 'JOHN DOE' and the nick-name 'JOHHNNY
D'; col. 3, line 60 – col. 4, line 22, "name or nickname"; col. 21, ll. 1-17, "third column lists the
nickname," the nickname is a transformation of the name; Figs. 13-14).

Regarding claim 5, Pershan teaches wherein the utterance is obtained by asking questions
of a user (col. 26, ll. 46-50, teaches "requests the name to be dialed"; col. 27, line 54 – col. 28,
line 7, "would you like to place another call"; a request to place another call followed by a "Yes"
eventually results in a name/utterance being entered by the user).

3.   Claim 9 is rejected under 35 U.S.C. 102(a) as being anticipated by Woods *et al.*
("Woods"), US Patent 6,510,417.

Woods teaches a method of providing directory assistance to a user comprising:
receiving an utterance from a user and determining a listing in response to said utterance (col. 6,

ll. 39-58, teaches "voice portal...automatic speech recognition...accepting user input whenever possible"; col. 2, ll. 16-37, "voice access...database...information regarding users"; col. 27, ll. 1-35, "voice portal...speech recognition"; col. 10, ll. 23-55, "sports domain...schedules...movies domain...list of limited choices...traffic...stocks"; col. 37, line 26 – col. 38, line 8, "movies subsystem...select options...movies at a theater, listings for a movie...requests the movie title from the user," selecting a theatre/movie title to retrieve information about the theatre/movie is accessing a theatre/movie directory, and the information about the movie/theatre constitutes a listing); and

providing an advertisement to said user before providing said listing to said user (col. 7, ll. 19-63, teaches "advertisements to be presented to the user during a communication session"; col. 32, ll. 18-29, "advertisement may be delivered when the user is preparing to enter the system to begin a new session," if the advertisement is delivered as the user enters the system then the user has not received the information/listing yet); wherein said user is not charged an additional fee for the directory assistance (col. 2, ll. 1-14, "free access," "free of charge").

4.   Claim 8 is rejected under 35 U.S.C. 102(b) as being anticipated by Stanley _et al._ ("Stanley"), US Patent 5,684,924.

Stanley teaches a method of automatic speech recognition comprising:

receiving an utterance (col. 3, ll. 17-19, receiving input from microphone);

recording said utterance and attempting to recognize said utterance (col. 2, summary, "a core recognition program...compares an input utterance with a multiplicity of trained word models and generates scores for each of at least a portion of the models," records and attempts to recognize utterance); and

if the recognition of said utterance is below a pre-set confidence level, adjusting the gain on said

recording and re-recognizing said utterance (col. 2, summary, "includes a plurality of primary

utility program modules which respond to user input to change system parameters, e.g. the gain";

col. 7, ll. 24-31, "the system is DEAF...gain is then adjusted").

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   <u>Claim 7</u> is rejected under 35 U.S.C. 103(a) as being unpatentable over <u>Pershan *et al.*</u> in

view of <u>Lennig *et al.*</u> ("Lennig"), US Patent 5,479,488.

Pershan teaches a method of providing a listing to a user comprising: establishing

communications with a user (col. 3, line 60 – col. 4, line 22 teaches "voice dialing...speaking

either the name or a nickname...voice dialing record is maintained for each subscriber.

Information relating to each party or individual who may be called...providing and updating the

information...calling entry...nickname...telephone number"; col. 4, ll. 49-67, teaches "speech

recognition model for each name and nickname...speech recognition models for

names...generated from the text of the name"; and col. 5, ll. 1-46 teaches "subscriber to provide

one or more speech samples of a name...optionally speaker dependent...generated speech

recognition model"); and

asking questions of said user, and obtaining answers therefor (col. 26, ll. 46-50, teaches

"requests the name to be dialed"; col. 27, line 54 – col. 28, line 7, "would you like to place

another call"; a request to place another call followed by a "Yes" eventually results in a

name/utterance being entered by the user).

Pershan fails to teach, but Lennig teaches: by using said answers, determining if an

automated speech recognition system can determine the listing; using an operator to provide said

listing if it is determined said automated speech recognition system cannot determine the listing;

and if said automated speech recognition system can determine said listing, having said

automated speech recognition system do so (col. 7, ll. 25-47, "cannot be recognized...hands off

to a human operator...If the unit recognizes...main number").

It would have been obvious for one of ordinary skill in the art at the time the invention

was made to modify the teaching elements of Pershan with Lennig in order to provide an

alternative method to clarify the caller's request when the recognizer cannot understand the user,

as described by Lennig (col. 7, ll. 25-29).

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure:

Vysotsky *et al.* (US Patent 5,719,921) teaches methods and apparatus for activating

telephone services in response to speech.

Ladd *et al.* (US Patent 6,493,671) teaches voice access to Internet, yellow pages, address
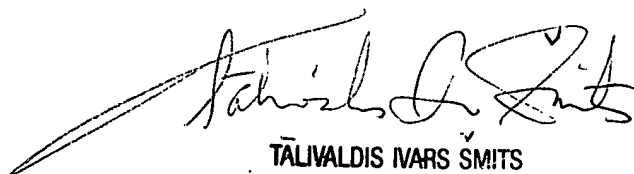
data, movies, concerts, among others.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Eunice Ng whose telephone number is 571-272-2854. The

examiner can normally be reached on Monday through Friday, 8:30 a.m. - 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EN
3/30/07

TALIVALDIS IVARS SMITS
PRIMARY EXAMINER